

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:20-cv-00474-MR**

LORENZO PAYTON,

Plaintiff,

vs.

S. HOLCOMB, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court on review of Plaintiff's Complaint [Doc. 1]. Plaintiff has filed an Application to proceed *in forma pauperis*. [Doc. 4].

Pro se Plaintiff, who is presently incarcerated at the Maury Correctional Institution, filed this civil rights action pursuant to 42 U.S.C. § 1983 addressing the alleged use of excessive force against him at Albemarle C.I. on October 12, 2019. Plaintiff names as Defendants three Albemarle C.I. correctional officers.

Under the general venue provision of 28 U.S.C. § 1391(b), a civil action may be brought in "(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving

rise to the claim occurred ... ; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action." 28 U.S.C. § 1391(b). Further, a court may transfer a civil action to any district where the action might have originally been brought "[f]or the convenience of the parties and witnesses, in the interest of justice." 28 U.S.C. § 1404(a).

The incident at issue in this case allegedly occurred, and the Defendants were employed, at the Albemarle C.I., which is located in Stanly County in the Middle District of North Carolina. Plaintiff presently resides at Maury C.I., which is located in Greene County in the Eastern District of North Carolina. To the extent that Plaintiff may be able to state a cognizable claim against any Defendant, venue is appropriate in the Middle District of North Carolina where the events giving rise to the claims occurred and where the Defendants appear to be located.

For the reasons stated herein, this action will be transferred to the Middle District of North Carolina.

IT IS THEREFORE ORDERED that the Clerk of this Court is hereby ordered to transfer this action to the Middle District of North Carolina.

IT IS SO ORDERED.

Signed: September 1, 2020

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge

